

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**SHASTA KRAMER**, individually and on  
behalf of all others similarly situated;  
**DOUGLAS KRAMER**,

No. 3:17-cv-00496-SB

Plaintiffs,

OPINION AND ORDER

v.

**RAY KLEIN, INC.; DOES 1-10**  
**INCLUSIVE**,

Defendants.

**MOSMAN, J.**,

On December 12, 2019, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 56], recommending that I grant Defendant Ray Klein’s Motion for Summary Judgment [ECF 45] and dismiss this case without prejudice. No objections were filed.

**LEGAL STANDARD**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121

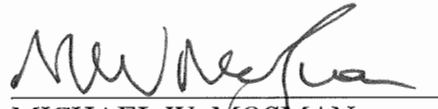
(9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### **CONCLUSION**

Upon review of the F&R, I agree with Judge Beckerman's reasoning and conclusions. Therefore, I ADOPT the F&R [56] as my own opinion. I GRANT Defendant Ray Klein's Motion for Summary Judgment [45] and DISMISS this case without prejudice against all named defendants. All pending motions are DENIED as moot.

IT IS SO ORDERED.

DATED this 24 day of January, 2020.

  
MICHAEL W. MOSMAN  
United States District Judge